

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MURRELL ANTHONY BIRT,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,
et. al.,

Defendants.

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CIVIL ACTION NO. 5:16-CV-160 (MTT)

ORDER

After screening the Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, Magistrate Judge Stephen Hyles allowed the Eighth Amendment medical treatment claims against Defendants Brown, Carson, Mayweather, and Wilson to go forward at this stage of litigation and recommends dismissing without prejudice the Eighth Amendment medical treatment claims against Defendants Berry, Bryson, King, Spike, and Thomas. (Doc. 8, at 11). The Magistrate Judge also recommends that the Plaintiff's state law claims and claims against the State of Georgia and the Georgia Department of Corrections ("GDOC") be dismissed, and he recommends that the failure-to-protect claims against Defendants Berry, Lester, Thomas, and Thorpe be dismissed without prejudice. *Id.* The Plaintiff has not objected to the Recommendation. The Court has reviewed the Recommendation and accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Eighth Amendment and

state law claims against Defendants Berry, Bryson, King, Lester, Thomas, Thorpe, State of Georgia, and GDOC are **DISMISSED without prejudice**.

SO ORDERED, this 21st day of October, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT